IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6878 OF 2006

Smt Sunanda wd/o Ramakant Desai
and ors. .. Petitioners.

Vs

Ghesubhai Jain and ors .. Respondents.

Mr P.K.Dhakephalkar, senior counsel, i/b Mr A.A. Kocharekar, for the petitioners

CORAM : D.B.BHOSALE,J.
DATE : 16.10.2006
PC:

1. Heard the learned counsel for the petitioners.

2. The petitioners have taken exception to the order dated 4.9.2006 passed by the court below in the Interim Notice no.436 of 2005, by which the petitioners-decree holders sought direction to the obstructionists to pay compensation at the rate of Rs.13,920/- per month from the date of the application. The court, after having considered the submissions of the learned counsel for the parties and the material placed before it, has directed the obstructionists to deposit Rs.2000/- per month from 1.7.2005. Having regard to the reasons stated in the order, I am not inclined to interfere with it in writ jurisdiction under Article 227 of the

Constitution of India and I am satisfied that the interest of justice will be met if the court below is directed to decide the obstructionists notice no.69 of 2005 in Appeal No.211 of 2004 in RAE & R Suit No.539/1003 of 1999 within time frame. Hence, I pass the following order.

(i) The Small Causes Court shall decide the Obstructionists' Notice No.69 of 2005 as expeditiously as possible on merits in accordance with law and preferably within a period of four months from the date of receipt of this order. The petitioners are directed to produce a copy of this order before the Small Causes Court within two weeks from today.

(ii) With these observations, the writ petition is disposed of.

(D.B.BHOSALE,J.)